

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1251-02
Bill No.: HB 1019
Subject: Health Care; Public Health; Law Enforcement Officers and Agencies; Liability
Type: Original
Date: April 9, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>All</u> State Funds	(Unknown)	(Unknown)	(Unknown)

*Costs will likely be less than \$100,000 in any given year.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services, Office of the State Public Defender, Department of Health, Office of Prosecution Services, Department of Public Safety -- Capitol Police, -- Division of Fire Safety, State Highway Patrol,** and the **-- State Water Patrol** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume that most health care, emergency, and law enforcement workers take significant precautions to protect themselves from bodily fluids. Therefore, they do not anticipate a significant impact on the workload of the courts.

Officials from the **Department of Corrections (DOC)** assume the DOC currently performs mandatory testing on offenders when staff has had a significant exposure to blood. The proposed legislation does not specify who is responsible for going to the court for the order when a staff member wants an offender tested after an exposure to bodily fluids and the DOC does not deem the exposure significant. The proposal also is silent regarding several other issues: (1) Whether the DOC would have to go to court every time it wanted a mandatory test, or whether the current practice of mandatory testing without a court order for significant exposures be permitted. (2) Who would be responsible for the cost of the test ordered by the court. (3) In order to compel an offender to be tested, sometimes it is necessary to physically restrain the offender and this can lead to significant exposure to blood for more staff. It is unclear whether the DOC would be responsible for compelling an offender to comply with the court ordered testing when the DOC does not consider the exposure significant.

The DOC currently tests offenders for detection of infectious disease when, according to departmental policy, testing is deemed reasonable due to an employee's exposure to bodily fluids. It is unclear who is responsible for enforcing that individuals comply with this proposal once directed. The potential for exposure to pathogens is exacerbated when testing is performed on a person who has initially refused testing. It is also unclear who perform the testing and who pays for testing after a directive is ordered and authorized.

Due to the wide variance of unknown variables, the fiscal impact as it relates to the DOC is unknown.

Oversight assumes that the fiscal impact of the proposed legislation to the DOC would be less than \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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GENERAL REVENUE FUND

<u>Costs - Department of Corrections</u>			
Medical/Lab costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

*Costs will likely be less than \$100,000 in any given year.

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation permits court-ordered infectious disease testing of persons whose bodily fluids have come in contact with a corrections officer, emergency services employee, health care provider, law enforcement employee, or juvenile correctional facility employee, while performing duties within the scope of such employee's duties as an employee.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Social Services
Department of Public Safety
 Capitol Police
 State Water Patrol
 State Highway Patrol
 Division of Fire Safety
Office of the State Public Defender
Office of State Courts Administrator

SOURCES OF INFORMATION (continued)

Department of Health
Department of Corrections
Office of Prosecution Services

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "Jarrett".

Jeanne Jarrett, CPA
Director

April 9, 2001